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Attorney for Plaintiff

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
SEATTLE, WASHINGTON

JUAN ALBERTO
CASTANEDA MIRANDA,

Plaintiff,

vs.

U.S. DRUG ENFORCEMENT
ADMINISTRATION, a U.S.
government agency; U.S.
FEDERAL BUREAU OF
INVESTIGATION, a U.S.
government agency; and U.S.
BUREAU OF ALCOHOL,
TOBACCO, FIREARMS &
EXPLOSIVES, a U.S.
government agency,

Defendants.

FILE NO.

COMPLAINT

Jury Trial Demanded

COMPLAINT - 1

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I. INTRODUCTION

1.1 Plaintiff, JUAN ALBERTO CASTANEDA MIRANDA, an unmarried father of a minor child, brings this action under the Federal Tort Claims Act (FTCA), 28 U.S.C. § 1346(b), 1402(b), 2401(b), and 2671-2680; and Washington State Tort Claims Act, RCW 4.92, against the U.S. DRUG ENFORCEMENT ADMINISTRATION (DEA), a U.S. government agency; U.S. FEDERAL BUREAU OF INVESTIGATION (FBI), a U.S. government agency; and U.S. BUREAU OF ALCOHOL, TOBACCO, FIREARMS & EXPLOSIVES (ATF), a U.S. government agency, for their failures to perform mandatory duties and/or for the unconstitutional and/or negligent acts and/or omissions of their officers, officials, agents and/or employees that resulted in the injuries to the Plaintiff and his personal property, related to improper identification and raid of the Plaintiff, his girlfriend at that time, and their apartment and vehicle.

1.2 This tragic series of events occurred on July 17, 2018.

1.3 Plaintiff suffered bodily injuries during this unlawful and illegal raid, requiring emergency surgery; the death of his cat; and the complete destruction of his apartment, its contents and his only personal vehicle.

1 1.4 Defendants learned during the raid of Plaintiff, his apartment, his
2 vehicle and his then girlfriend that Defendants had the wrong apartment and
3 wrong person for which they were to conduct the raid.

4 1.5 Defendants failed to properly identify Plaintiff; they conducted an
5 improper search and seizure and arrest; and caused significant harm to the
6 Plaintiff. This tragedy was a by-product of their abuse of authority.

7 1.6 Defendants' failure to carry out their required duties and to
8 properly identify Plaintiff caused significant injury and damage to the Plaintiff.
9

10 1.7 If Defendants would have simply followed the laws, regulations
11 and/or procedures, this incident and harm could have been avoided.
12

13 **II. JURISDICTION & VENUE**

14 2.1 This Court has jurisdiction over all causes of action asserted
15 against Defendants pursuant to the Federal Tort Claims Act, 28 U.S.C.S. §§
16 1346(b), 2671, et seq., which provides that a suit against the United States is
17 the exclusive remedy in any action for damages for injury or loss of property
18 resulting from the negligent or wrongful act or omission of any employee of the
19 government while acting within the scope of his office or employment. 28
20 U.S.C.S. § 2679(b)(1).
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2.3 Plaintiff has exhausted his applicable administrative remedies by presenting his claim to the United States and the appropriate federal agencies prior to filing this lawsuit in federal court. 28 U.S.C. § 2675; 28 U.S.C. §§ 1346(b), 2671, et seq.

2.4 Venue is proper in, and Defendants are subject to the personal jurisdiction of, this Court because Defendants maintain facilities and business operations in this District, and all or most of the events giving rise to this action occurred in this District. 28 U.S.C. § 1391(b).

3.1 Plaintiff, JUAN ALBERTO CASTANEDA MIRANDA, is a citizen of Mexico. He resides in the United States with approved Deferred Action for Childhood Arrivals (DACA). Plaintiff resides in Everett, Washington.

3.2 Defendant, U.S. DRUG ENFORCEMENT ADMINISTRATION,
is a U.S. government agency, with offices in the state of Washington.

1 3.3 Defendant, FEDERAL BUREAU OF INVESTIGATION, is a
2 U.S. government agency, with offices in the state of Washington.

3 3.4 Defendant, U.S. BUREAU OF ALCOHOL, TOBACCO,
4 FIREARMS & EXPLOSIVES, is a U.S. government agency, with offices in
5 the state of Washington.
6

7 IV. FACTUAL ALLEGATIONS

8 4.1 Plaintiff is a citizen and native of Mexico. He was born on May
9 25, 1992.
10

11 4.2 Plaintiff is the recipient of approved and current Deferred Action
12 for Childhood Arrivals.

13 4.3 Plaintiff is employed as technician for Comcast.

14 4.4 Plaintiff is not married.

15 4.5 Plaintiff has one minor child, a U.S. citizen daughter.
16

17 4.6 Other than a couple of speeding tickets, Plaintiff has no criminal
18 history. He is not and has never been violent nor been seen as a threat to his
19 community. Plaintiff has not and has never been connected with drug
20 manufacturing, use or sales.
21

22 4.7 Plaintiff does not and has never had a license to carry or keep
23 firearms.
24

1 4.8 Plaintiff has had no history of violence and no history of drug
2 offenses.

3 4.9 On July 13, 2018, the U.S. District Court for the Western District
4 of Washington, Seattle, Washington, issued a Search and Seizure Warrant to
5 search the Plaintiff's apartment at Viking Apartments, 6630 202nd Street SW,
6 Lynnwood, Washington 98036. This warrant specifically outlined the purpose
7 for this search and seizure - to locate controlled substances, drug paraphernalia,
8 drug transaction records, etc.
9

10
11 4.10 On July 17, 2018, Defendants in this matter raided and destroyed
12 the Plaintiff's apartment, killing his cat, and causing significant injuries to
13 Plaintiff, who required emergency appendectomy surgery.
14

15 4.11 On July 17, 2018, Plaintiff and his then girlfriend, Gisela
16 Castaneda, were awakened by loud bangs outside of their apartment; still
17 sleeping, they did not realize what was going on until agents blasted into their
18 apartment and they were suddenly approached by full-armored agents, who
19 came into their bedroom, with multiple guns raised and pointed at them, yelling
20 at Plaintiff and his girlfriend. They were instructed to get out of bed, but neither
21 one had clothing on. Ms. Castaneda required a female agent to come to the
22 scene to help Ms. Castaneda dress.
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1 4.12 Plaintiff and his girlfriend were handcuffed and taken to the living
2 room, where Plaintiff was told to “confess” about the “drug cartels”; however,
3 Plaintiff was not, is not and has not ever been involved with any type of drug
4 trafficking, so he did not know what the agents were referring to and
5 desperately tried to tell agents he did not know anything. He asked agents to
6 check his identification, so they could make sure they were in the correct
7 apartment, but they refused.
8

9 4.13 After Defendants had torn up Plaintiff’s apartment and vehicle,
10 nothing was found related to any drug activity by Plaintiff nor his girlfriend.
11 The Defendants then handed Plaintiff a packet of documents and told him the
12 Defendants had the wrong individuals and the wrong apartment and to
13 complete the claim forms for reimbursement of damages and settlement for all
14 harm and damage. Defendants failed to discover and reasonably should have
15 discovered by looking at Plaintiff’s identification that they were, in fact, in the
16 wrong residence.
17
18

19 4.14 During the July 17, 2018 raid by Defendants of Plaintiff’s
20 apartment and his vehicle, it was determined that Defendants had the incorrect
21 person(s) and incorrect apartment. Eventually, Defendants arrested and
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1 charged the correct defendants they were looking for and these defendants were
2 charged accordingly. *See USA v. Urias, et al.*, Case No. 2:18-CR-00174-RAJ.

3 4.15 Plaintiff has suffered significant personal injuries from the
4 Defendants wrongful arrest, search and seizure and destruction of his personal
5 belongings, and violation of his 4th and 5th Amendment rights.
6

7 4.16 Plaintiff presented his claim to the United States and the defendant
8 agencies in this matter. As of July 7, 2020, the Defendants reported by e-mail
9 that they are still working on determining which agency will take the lead in
10 assessing and adjudicating Plaintiff's claim. Once this is established, then that
11 Defendant agency will have six (6) months to reach a decision on Plaintiff's
12 claim for damages.
13

14 4.17 Plaintiff in this matter had a previous attorney, Jeremiah Styles,
15 Styles Law, which he retained on or about September 2019. After multiple
16 phone calls and meetings with this attorney, Plaintiff was unable to have this
17 attorney prepare and file a claim more than six (6) months before the statute of
18 limitations. Plaintiff was required to retain undersigned counsel, therefore, the
19 reason for why the claim was filed less than six months and the reason this
20 lawsuit is being filed – to preserve Plaintiff's statute of limitations in this matter.
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V. FIRST CAUSE OF ACTION

Fourth Amendment right to be secure in one's person, home, papers, and effects, against unreasonable searches and seizures.

5.1 Plaintiff incorporates the preceding paragraphs by reference.

5.2 The 4th Amendment of the U.S. Constitution, protects the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures. Defendants in this matter recklessly and violently entered the Plaintiff's home, destroying all personal property in his home; killing his pet cat; and physically injuring the Plaintiff, wherein he required emergency surgery – only to discover that Defendants had the incorrect person and apartment – all because they would not and did not check Plaintiff's identification, which Plaintiff tried to show the Defendants during this reckless search and seizure.

5.3 All claims alleging that the Defendants in this matter used excessive force – deadly or not – in the course of an arrest, investigatory stop, or other seizure of a free citizen should be analyzed under the 4th Amendment and its reasonableness standard. In the instant case, Defendants did use excessive force in detaining Plaintiff, killing his cat, injury the Plaintiff and causing him to have emergency surgery.

1 5.4 Defendants deprived Plaintiff of his civil rights under 42 U.S.C. §
2 1983, when they failed to check his government issued identification, instead,
3 arresting and falsely charging Plaintiff with a felony crime, which was allegedly
4 withdrawn by Defendants when they learned they failed to check Plaintiff's
5 identification and had the wrong person and wrong apartment.
6

7 5.5 Plaintiff is entitled to punitive damages due to Defendants'
8 conduct.
9

10 **VI. SECOND CAUSE OF ACTION - BATTERY**

11 6.1 Plaintiff incorporates the preceding paragraphs by reference.

12 6.2 On July 17, 2018, Defendants raided and destroyed Plaintiff's
13 home, vehicle and person. Defendants reckless physical contact with the
14 Plaintiff during this raid caused physical injuries to the Plaintiff, requiring him
15 to undergo emergency surgery.
16

17 6.3 In intentionally, and recklessly, physically harming the Plaintiff
18 during this raid, without privilege or authority to do so, committed battery upon
19 him multiple times during this July 17, 2018 raid by Defendants.
20

21 6.4 Plaintiff's damages secondary to the Defendants' conduct include
22 Plaintiff's physical and emotional pain and suffering, medical
23
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1 expenses/damages, home, vehicle and personal belongings expenses/damages,
2 as well as other damages secondary to the actions of the Defendants.

3 6.5 Plaintiff is entitled to punitive damages due to Defendants'
4 conduct.

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6 **VII. THIRD CAUSE OF ACTION - EXCESSIVE FORCE**

7 7.1 Plaintiff incorporates the preceding paragraphs by reference.

8 7.2 The Defendants each had a statutory duty, pursuant to

9
10 7.3 Defendants exceeded the minimum amount necessary to diffuse
11 this July 17, 2018 drug raid on Plaintiff and his girlfriend while they were
12 sleeping at their home. Defendants did not even check Plaintiff's identification
13 to confirm they had the correct home and person(s) despite Plaintiff's plea for
14 them to confirm.

15
16 7.4 Defendants reckless physical handling of the Plaintiff during this
17 raid raises an issue of police brutality. Plaintiff required emergency surgery
18 due to Defendants excessive use of physical force on the Plaintiff.

19
20 7.5 Plaintiff's Fourth Amendment rights regarding reasonable search
21 and seizure were violated by Defendants in this matter during this July 17, 2018
22 drug raid.

1 7.6 Plaintiff's Eighth Amendment rights were violated by Defendants
2 in this matter with Defendants' use of cruel and unusual punishment during this
3 July 17, 2018 raid and their unreasonable use of force during this raid.

4 7.7 Plaintiff was unarmed and non-threatening; and he pled with
5 Defendants to check his identification, so they could see that they had the wrong
6 person(s) and wrong apartment, but Defendants failed to exercise this basic due
7 diligence.
8

9 7.8 Defendants were negligent per se.
10

11 7.9 Defendants negligence was a direct and proximate cause of
12 Plaintiff's injuries and claimed damages herein.

13 7.10 Plaintiff is entitled to punitive damages due to the Defendants'
14 conduct.
15

16 **VIII. FOURTH CAUSE OF ACTION – NEGLIGENCE**
17 **& GROSS NEGLIGENCE**

18 8.1 Plaintiff incorporates the preceding paragraphs by reference.
19

20 8.2 Each of the Defendants breached their respective duties of
21 reasonable care owed to Plaintiff, which are a direct and proximate cause of
22 Plaintiff's injuries and damages.
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1 8.3 Defendants' failures to properly identify the Plaintiff and his
2 girlfriend; failure to confirm that Defendants had the correct apartment; and
3 failure to properly detain the Plaintiff and his girlfriend without use of excessive
4 force; and additional failures in Defendants' July 17, 2018 raid, are substantial
5 factors in Plaintiff's injuries and damages claimed herein.
6

7 8.4 Plaintiff is entitled to punitive damages due to Defendants'
8 conduct.
9

10 **IX. JURY DEMAND**

11 9.1 Plaintiff demands a trial by jury of all issues so triable.

12 **X. CLAIM FOR DAMAGES**

13 10.1 Plaintiff has suffered special damages from the July 17, 2018 raid
14 by Defendants in this matter in the amount of \$75,887.71.
15

16 10.2 Plaintiff has suffered damages for pain and suffering from this
17 botched raid by Defendants. These damages will be determined at trial.
18

19 10.3 Punitive damages should be awarded to Plaintiff for Defendants
20 reckless and excessive use of force on Plaintiff, only to find that Defendants
21 had raided to wrong house and the wrong person causing excessive damage to
22 Plaintiff and his personal property and loss of work.
23
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1 10.4 Plaintiff lost his girlfriend over this situation. He required
2 emergency surgery. Defendants killed his cat during this raid. Defendants
3 destroyed all of Plaintiff's personal belongings, including his only vehicle,
4 which allowed him to get back and forth to work. He had time loss from work.
5 He was forced to move from his apartment because the apartment and his
6 personal belonging had all been destroyed by Defendants. Plaintiff's name is
7 still not clear from all reporting agencies due to this wrongful and inaccurate
8 raid and arrest of Plaintiff.
9

10
11 10.5 Plaintiff requests that his name be cleared from all records with
12 Defendants and any other reporting agency, so that he will not have this botched
13 and reckless event continue to smear his name legally and socially.
14

15 10.6 As a result of the irrational use of excessive force on Plaintiff; the
16 physical, mental and emotional harm inflicted on him during this botched drug
17 raid by Defendants; and the emergency surgery Plaintiff had to undergo and
18 the pain he suffered associated with acute appendicitis are all related to this
19 botched drug raid by Defendants in this matter.
20

21 10.7 Plaintiff has a permanent reminder of this botched drug raid on
22 him from the appendectomy scar he has to look at every day – a reminder
23 always of what he went through on July 17, 2018. This physical remnant of
24
25

1 federal agents' physical attack on Plaintiff is nothing compared to the
2 emotional trauma that was inflicted on him during this botched raid by
3 Defendants.

4 10.8 The sense of security Plaintiff once felt in the presence of his own
5 home and with law enforcement officers has been irretrievably broken and
6 replaced with understandable fear. Because Defendants have still not removed
7 Plaintiff's name from federal records as having been involved in a drug
8 investigation, Plaintiff is still plagued by this disastrous and violent raid on
9 him, his home, his vehicle, his girlfriend and his family cat – continuing to
10 cause him harm when, in fact, Defendants had the wrong apartment and wrong
11 person and would not even check Plaintiff's identification before the
12 destruction and harm occurred.
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16 **XI. PRAYER FOR RELIEF**

17 **WHEREFORE**, Plaintiff demands that this Court award the following:

18 11.1 Compensatory damages in an amount to be shown at trial;

19 11.2 Punitive damages in an amount to be shown at trial;

20 11.3 Costs incurred in this action and reasonable attorney fees;

21 11.4 Prejudgment and post-judgment interest; and

22 11.5 Such other and further relief the Court deems just and proper.
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1
2 RESPECTFULLY SUBMITTED this 14th day of July 2020.
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4

5 /s/ Patrick Patton

6 PATRICK PATTON, WSBA 49159

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COMPLAINT - 16

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JURY DEMAND

Plaintiff hereby demands a trial by jury of all issues so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure.

DATED this 14th day of July 2020.

/s/ Patrick Patton

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